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Ross Koningstein

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EXAMINER

BRANDENBURG, WILLIAM A

ART UNIT

PAPER NUMBER

3622

NOTIFICATION DATE

DELIVERY MODE

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ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No. 10/748,681	Applicant(s) KONINGSTEIN, ROSS	
	Examiner WILLIAM A. BRANDENBURG	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 35-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 and 35-55 is/are rejected.
- 7) ☒ Claim(s) 1,35,52 and 53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>05/03/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The following is a Final Office Action in response to communications received on 05/03/2010. Claims 18-34 have been cancelled. Claims 1, 35, and 52-53 have been amended. Claims 54-55 have been added. Therefore, claims 1-17 and 35-55 are pending and addressed below.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 05/03/2010 was filed after the mailing date of the Non-Final Office Action on 02/03/2010. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Objections

3. Claims 1, 35 and 52-53 are objected to because of the following informalities:

Claims 1, 35 and 52-53 contain incorrect status identifiers. As per MPEP 714 [R-6], 37 CFR 1.121 (c)(2), "All claims being currently amended in an amendment paper shall be

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presented in the claim listing, indicate a status of "currently amended"..." As such, the status identifiers for claims 1, 35 and 52-53 should be recited as "currently amended" as opposed to "previously presented".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The amendment filed on 05/03/2010, has **NOT** corrected the 35 U.S.C. 112 2nd paragraph deficiencies with respect to claims 1, 35 and 53 identified in the Office Action dated 02/03/2010. Thus, the Examiner hereby maintains the 35 U.S.C. 112 second paragraph rejections of claims 1, 35 and 53 that were raised in the Office Action dated 02/03/2010. See below for further detail.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 35 and 53 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to

particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the first electronic document" in the first "delivering" step. There is insufficient antecedent basis for this limitation in the claim. Claims 35 and 53 contain similar issues.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-12, 14-15, 35-46, 48-49 and 52-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. (US 2003/0146939 A1) (hereinafter Petropoulos).**
7. Applicant(s) are reminded that optional or conditional elements do not narrow the claims because they can always be omitted. See e.g. MPEP §2106 II C: "Language that suggest or makes optional but does not require steps to be performed or

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does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation.

"As a matter of linguistic precision, optional elements do not narrow the claim because they can always be omitted." *In re Johnston*, 435 F.3d 1381, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) (where the Federal Circuit affirmed the Board's claim construction of "further including that said wall may be smooth, corrugated, or profiled with increased dimensional proportions as pipe size is increased" since "this additional content did not narrow the scope of the claim because these limitations are stated in the permissive form 'may.'").

As a courtesy, the Examiner has analyzed the claim language and phrasing as indicated by the bolded and underlined sections or words below, and determined that the phrasing following the bolded and underlined word(s) is not required due to the terminology being optional, in conformity with MPEP § 2111.04.

8. As per claim 1 (and similarly the apparatus of claim 35), Petropoulos discloses a computer-implemented method for advertising comprising the steps of:

identifying, at a server, an electronic advertisement, the electronic advertisement including a compact display format,

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an expanded display format, and code a client device uses to transition the electronic advertisement from the compact display format into the expanded display format, the compact display format including an associated expansion icon, and the expanded display format comprising one or more menu options and a reference to a network location for retrieving specified content associated with each menu option ([0020-26], web page 59 delivered, search result 53, preview icon 63 associated with search result 53, upon action of pointer (i.e. mouse-over) embedded preview window opened and relevant contextual information inline with user's results rendered, actual content or web page referred by or associated with first result 53 as preview information, see also [0042], preview information displayed in preview window 55, functional attributes of preview window include enabling hyperlinks so that a mouse-over or click on a link within previewed page is active and result in a call to the referenced page, see also [0065-70], operation done at the server, see also Fig. 1, "53", "63/64", "55", "57", "59");

delivering, from the server at a first time, the first electronic document including the electronic advertisement including the compact display format, the expanded display format, and the code, the electronic advertisement initially displayed in the first electronic document in the compact

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display format so as to enable a client device to transition from the compact format to the expanded format without further interaction with the server ([0020-26], web page 59 delivered, search result 53, preview icon 63 associated with search result 53, [0042], preview information displayed in a window which already exists, see also Fig. 1, "53", "63/64", "55", "57", "59");

receiving, at the server, a user selection of one of the one or more menu options after the compact display format of the electronic advertisement has been transitioned into the expanded display format in the first electronic document ([0042], preview information displayed in preview window 55, functional attributes of preview window include enabling hyperlinks so that a mouse-over or click on a link within previewed page is active and result in a call to the referenced page);

identifying a second electronic document including content from the referenced network location associated with the menu option selected ([0042], preview information displayed in preview window 55, functional attributes of preview window include enabling hyperlinks so that a mouse-over or click on a link within previewed page is active and result in a call to the referenced page); and

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wherein the delivering, from the server at a first time, receiving, including, and delivering, from the server at the second later time are performed by one or more computers ([0064-70], typical network system, operations performed at the client machines and the server, see also Fig. 6).

Petropoulos does not explicitly disclose

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including the electronic advertisement with the second electronic document the electronic advertisement displayed in the second electronic document in the expanded display format; and

delivering, from the server at a second later time, the second electronic document including the electronic advertisement.

However, Petropoulos does teach that actual content or the web page referred by or associated with first result 53 is displayed as preview information ([0020-24]). This preview information is displayed in preview window 55. The user may control functional attributes of the preview window including hyperlinks in which a mouse-over or click on a link within the previewed page results in a call to the referenced page ([0042], see also Fig. 1, "53", "63/64", "55", "57", "59").

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include delivering a second document including the referenced content and the electronic advertisement initially displayed in the expanded format. The rationale for this inclusion is that this would enable Petropoulos to deliver the content while maintaining the advertising content in direct view of the

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user. Common sense dictates that the longer a user is subjected to particular content, the more impact and effect the content could have on the user. The Examiner notes that although the particular language of the instant invention is not explicitly disclosed in Petropoulos, based on the broadest reasonable interpretation, the Examiner understands the actual content or web page that is displayed as preview information to be the expanded display format of the instant invention. Furthermore, the Examiner understands if this is indeed the preview information, by this preview information containing hyperlinks (i.e. menu options) which in turn calls upon activation to its respective referenced page, the returned content referenced by the hyperlinks would be the actual content or web page delivered as a web page (i.e. second electronic document). Based on the provided disclosures, this returned content would include both the referenced content and the expanded display format content, as the actual content or web page disclosed represents both of these elements. As such, the Examiner contends the limitations as currently written have been satisfied by the provided recitations and rationale.

9. As per claim 2 (and similarly the apparatus of claim 36), Petropoulos discloses the computer-implemented method of claim 1 (as rejected above).

Petropoulos does not explicitly disclose wherein one of the menu options includes a home menu option and further comprising:

receiving a selection of the home menu option; and
delivering the first electronic document including the electronic advertisement and enabling display to the user of the first electronic document in the compact display format.

However, Petropoulos does teach preview information is displayed in preview window 55. The user may control functional attributes of the preview window including hyperlinks in which a mouse-over or click on a link within the previewed page results in a call to the referenced page ([0042], see also Fig. 1, "53", "63/64", "55", "57", "59"). In addition, Petropoulos teaches advanced preview icon implementation including separating regions in the preview icon which allows the user to dynamically and automatically determine what to preview via a variety of menu buttons ([0060-61], see also Fig. 5, "552", "Home Page"). Furthermore,

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Petropoulos teaches a mouse-over technology in which the user may simply move the pointer away from the preview and the window will close and return to the original display ([0054]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include a home menu option to return to the original display. The rationale for this inclusion is a home option allows a user to easily return to the original content display to avoid the hassle of the typical backward-forward movement in a browser setting. The Examiner notes that although Petropoulos teaches various menu options, but does not explicitly teach a home option specifically in the preview window (i.e. expanded display), the taught menu options (i.e. functional attribute hyperlinks [0042]) could easily include a home menu option. Furthermore, there are a limited number of predictable ways to transition back to the original format. For example, one could either close the preview window (i.e. expanded display) by clicking a typical close "x" button, select a coded "home" button as disclosed in the instant application, or "deselect" (i.e. move away the cursor) the window as is taught by Petropoulos. As such, it would be obvious for Petropoulos to include a home menu option as opposed to its current teachings because the mouse-over technology yields the same

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functionality of returning to the original display format that the home menu option provides. The Examiner notes this rationale has been based on the interpretation resulting from the 112 2nd paragraph rejection detailed above.

10. As per claim 3 (and similarly the apparatus of claim 37), Petropoulos discloses the computer-implemented method of claim 1 (as rejected above). Petropoulos further discloses wherein the electronic advertisement comprises a morphing electronic advertisement ([0020-26], web page 59 delivered, search result 53, preview icon 63 associated with search result 53, upon action of pointer (i.e. mouse-over) instructions are sent and embedded preview window opened and relevant contextual information inline with user's results rendered, actual content or web page referred by or associated with first result 53 as preview information, see also [0042], preview information displayed in preview window 55, functional attributes of preview window include enabling hyperlinks so that a mouse-over or click on a link within previewed page is active and result in a call to the referenced page, see also Fig. 1, "53", "63/64", "55", "57", "59").

11. As per claim 4 (and similarly the apparatus of claim 38), Petropoulos discloses the computer-implemented method of claim 1 (as rejected above). Petropoulos further discloses wherein the first and second electronic document comprise web pages ([0010], preview information is a "preview window" containing relevant preview information of actual page or document associated with item in results list, see also [0020-25], search results web page 59, preview information displays actual content or the web page referred by or associated with the first result, see also Fig. 1, "59").

12. As per claim 5 (and similarly the apparatus of claim 39), Petropoulos discloses the computer-implemented method of claim 4 (as rejected above). Petropoulos further discloses wherein the network locations specified in reference to the one or more menu options comprise network locations provided by or affiliated with a host entity that delivered the first electronic document or the electronic advertisement ([0025-26], preview information displays actual content or the web page referred by or associated with the first result, see also [0029], contextual information regards URL pertaining to web page, see also [0042], enabling active hyperlinks in preview windows so that a mouse-over or click result in a call to the

referenced page as well as enabling further mouse-over, which allows the user to use mouse-over in the preview pane).

13. As per claim 6 (and similarly the apparatus of claim 40), Petropoulos discloses the computer-implemented method of claim 1 (as rejected above). Petropoulos further discloses further comprising:

wherein the electronic advertisement comprises a target reference to an advertiser network location ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0042], enabling active hyperlinks in preview windows so that a mouse-over or click result in a call to the referenced page).

Petropoulos does not explicitly disclose

storing a price parameter value in association with the electronic advertisement.

However, Petropoulos does teach various constraints are used to sort the pages returned as preview information ([0027-28]). In addition, Petropoulos teaches a user's use of preview information is monitored while the user reviews the results page. More specifically, it monitors which result is being previewed by order or rank, the length of each preview,

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whether there is a click-through, etc. The attributes of user behavior are forwarded across the network and later used to improve relevancy ([0072-79]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include storing a price parameter associated with the electronic advertisement. The Examiner notes that in an electronic advertising environment, it is common for there to be a direct correlation between price and performance parameters. As such, the act of monitoring performance (i.e. user interaction) in an online environment provides a way to measure the effectiveness of the content issued to the user, whether it be search results, banner advertisements, etc. Therefore, although Petropoulos does not explicitly teach storing a price value, it would be obvious for a price value to be present as a result of the monitoring and tracking of user performance recited in the teachings of Petropoulos.

14. As per claim 7 (and similarly the apparatus of claim 41), Petropoulos discloses the computer-implemented method of claim 6 (as rejected above). Petropoulos further discloses further comprising:

receiving a third user selection of the target reference, wherein performance is determined to have occurred upon receipt of the selection of the target reference ([0042], functional attributes of preview window include hyperlinks that a user can mouse over or click on which would result in a call to the referenced page, see also [0073-75], a user's use of preview information is monitored while the user reviews the results page, it monitors which result is being previewed by order or rank, the length of each preview, whether there is a click-through, etc., attributes of user behavior are forwarded across the network and later used to improve relevancy).

15. As per claim 8 (and similarly the apparatus of claim 42), Petropoulos discloses the computer-implemented method of claim 6 (as rejected above). Petropoulos further discloses further comprising:

receiving an indication of user activity associated with the expanded display format, wherein performance is determined to have occurred upon receipt of the indication of the user activity ([0042], functional attributes of preview window include the use of a scroll bar, hyperlinks that a user can mouse over or click on which would result in a call to the referenced page, etc., see also [0073], attributes of user behavior tracked and monitored).

16. As per claim 9 (and similarly the apparatus of claim 43), Petropoulos discloses the computer-implemented method of claim 8 (as rejected above). Petropoulos further discloses wherein the user activity comprises a predetermined period of time viewing the expanded display format ([0042], user can dynamically control the duration of the preview window visibility, see also [0073-75], user's use of preview information monitored including the length of each preview, a long duration indicates high relevancy to a particular result).

17. As per claim 10 (and similarly the apparatus of claim 44), Petropoulos discloses the computer-implemented method of claim 8 (as rejected above). Petropoulos further discloses wherein the user activity comprises the user request to view the expanded display format ([0010], displaying preview information associated with each result item, see also [0025], preview information shown when there is a mouse-over a defined area, see also [0073], user's use of preview information monitored including which result is being previewed).

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18. As per claim 11 (and similarly the apparatus of claim 45), Petropoulos discloses the computer-implemented method of claim 8 (as rejected above). Petropoulos further discloses wherein the user activity comprises a predetermined number of user selections of the one or more menu options available in the expanded display format ([0026], preview information include URLs, with respect to URLs used as preview information these URLs will function as links, see also [0042], enabling active hyperlinks in preview windows so that a mouse-over or click result in a call to the referenced page as well as enabling further mouse-over, which allows the user to use mouse-over in the preview pane, see also [0073-75], a user's use of preview information is monitored while the user reviews the results page, it monitors which result is being previewed by order or rank, the length of each preview, whether there is a click-through, etc., attributes of user behavior are forwarded across the network and later used to improve relevancy).

19. As per claim 12 (and similarly the apparatus of claim 46), Petropoulos discloses the computer-implemented method of claim 1 (as rejected above). Petropoulos further discloses further comprising:

associating a reference to the electronic advertisement for use by the user in retrieving the electronic advertisement

([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0029], contextual information regards URL pertaining to web page, see also [0032], preview information includes tags defining the information to be previewed).

20. As per claim 14 (and similarly the apparatus of claim 48), Petropoulos discloses the computer-implemented method of claim 1 (as rejected above). Petropoulos further discloses wherein, the second electronic document comprises a document provided by the advertiser ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0042], enabling active hyperlinks in preview windows so that a mouse-over or click result in a call to the referenced page) (The Examiner understands the actual content or web page that is displayed as preview information to be the expanded display format of the instant invention. Furthermore, the Examiner understands if this is indeed the preview information, by this preview information containing hyperlinks (i.e. menu options) which in turn calls upon activation to its respective referenced page, the returned content referenced by the hyperlinks would be the actual content or web page delivered as a web page (i.e. second electronic document). Based on the provided

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disclosures, this returned content would include both the referenced content and the expanded display format content, as the actual content or web page disclosed represents both of these elements.).

21. As per claim 15 (and similarly the apparatus of claim 49), Petropoulos discloses the computer-implemented method of claim 14 (as rejected above). Petropoulos further discloses wherein, the document provided by the advertiser comprises a web page from the advertiser's web site ([0025], preview information displays actual content or the web page referred by or associated with the first result, see also [0042], enabling active hyperlinks in preview windows so that a mouse-over or click result in a call to the referenced page) (The Examiner understands the actual content or web page that is displayed as preview information to be the second instance, or expanded display format of the instant invention. Furthermore, the Examiner understands if this is indeed the preview information, by this preview information containing hyperlinks (i.e. menu options) which in turn calls upon activation to its respective referenced page, the returned content referenced by the hyperlinks would be the actual content or web page delivered as a web page (i.e. second electronic document)). Based on the provided disclosures, this returned content would

include both the referenced content and the expanded display format content, as the actual content or web page disclosed represents both of these elements.).

22. As per claim 52, Petropoulos discloses a method, comprising:

receiving at a server, from a publisher, a request for an advertisement to be included in a first electronic document associated with publisher ([0020], search query performed, see also [0065-70], searching performed, request sent to server and results returned to client device);

identifying an electronic advertisement responsive to the request, the electronic advertisement including a reference to a network location for retrieving specified content associated with the electronic advertisement ([0020], search query performed, search results returned as hyperlinks to webpage, see also [0065-70], searching performed, request sent to server and results returned to client device);

delivering, from the server at a first time, the electronic advertisement to be included in the first electronic document ([0020], search query performed, search results returned as hyperlinks to webpage, see also [0065-70], searching performed, request sent to server and results returned to client device);

receiving a user selection of the electronic advertisement ([0042], preview information displayed in preview window 55, functional attributes of preview window include enabling hyperlinks so that a mouse-over or click on a link within previewed page is active and result in a call to the referenced page);

identifying a second electronic document including content from a referenced network location associated with the selected electronic advertisement ([0042], preview information displayed in preview window 55, functional attributes of preview window include enabling hyperlinks so that a mouse-over or click on a link within previewed page is active and result in a call to the referenced page); and

wherein the delivering, from the server at the first time, receiving the user selection, including, and delivering, from the server at the second later time, are performed by one or more computers ([0064-70], typical network system, operations performed at the client machines and the server, see also Fig. 6).

Petropoulos does not explicitly disclose

including the electronic advertisement with the second electronic document; and

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delivering, from the server at a second later time, the second electronic document including the electronic advertisement.

However, Petropoulos does teach that actual content or the web page referred by or associated with first result 53 is displayed as preview information ([0020-24]). This preview information is displayed in preview window 55. The user may control functional attributes of the preview window including hyperlinks in which a mouse-over or click on a link within the previewed page results in a call to the referenced page ([0042], see also Fig. 1, "53", "63/64", "55", "57", "59").

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include delivering a second document including the referenced content and the electronic advertisement initially displayed in the expanded format. The rationale for this inclusion is that this would enable Petropoulos to deliver the content while maintaining the advertising content in direct view of the user. Common sense dictates that the longer a user is subjected to particular content, the more impact and effect the content could have on the user. The Examiner notes that although the particular language of the instant invention is

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not explicitly disclosed in Petropoulos, based on the broadest reasonable interpretation, the Examiner understands the actual content or web page that is displayed as preview information to be the expanded display format of the instant invention. Furthermore, the Examiner understands if this is indeed the preview information, by this preview information containing hyperlinks (i.e. menu options) which in turn calls upon activation to its respective referenced page, the returned content referenced by the hyperlinks would be the actual content or web page delivered as a web page (i.e. second electronic document). Based on the provided disclosures, this returned content would include both the referenced content and the expanded display format content, as the actual content or web page disclosed represents both of these elements. As such, the Examiner contends the limitations as currently written have been satisfied by the provided recitations and rationale.

23. As per claim 53, Petropoulos discloses a computer-implemented method, comprising:

identifying, at a server, an electronic advertisement, the electronic advertisement including a reference to a network location for retrieving specified content associated with the electronic advertisement ([0020], search query performed, search results returned as hyperlinks to webpage, see also

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[0065-70], searching performed, request sent to server and results returned to client device);

delivering, from the server at a first time, the first electronic document including the electronic advertisement ([0020], search query performed, search results returned as hyperlinks to webpage, see also [0065-70], searching performed, request sent to server and results returned to client device);

receiving, at the server, a user selection of the electronic advertisement ([0042], preview information displayed in preview window 55, functional attributes of preview window include enabling hyperlinks so that a mouse-over or click on a link within previewed page is active and result in a call to the referenced page);

identifying a second electronic document including content from the referenced network location associated with the electronic advertisement ([0042], preview information displayed in preview window 55, functional attributes of preview window include enabling hyperlinks so that a mouse-over or click on a link within previewed page is active and result in a call to the referenced page); and

wherein the delivering, from the server at a first time, receiving, including, and delivering, from the server at the second later time are performed by one or more computers

([0064-70], typical network system, operations performed at the client machines and the server, see also Fig. 6).

Petropoulos does not explicitly disclose

including the electronic advertisement with the second electronic document; and

delivering, from the server at a second later time, the second electronic document including the electronic advertisement.

However, Petropoulos does teach that actual content or the web page referred by or associated with first result 53 is displayed as preview information ([0020-24]). This preview information is displayed in preview window 55. The user may control functional attributes of the preview window including hyperlinks in which a mouse-over or click on a link within the previewed page results in a call to the referenced page ([0042], see also Fig. 1, "53", "63/64", "55", "57", "59").

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include delivering a second document including the referenced content and the electronic advertisement initially displayed in the expanded format. The rationale for this inclusion is that this

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would enable Petropoulos to deliver the content while maintaining the advertising content in direct view of the user. Common sense dictates that the longer a user is subjected to particular content, the more impact and effect the content could have on the user. The Examiner notes that although the particular language of the instant invention is not explicitly disclosed in Petropoulos, based on the broadest reasonable interpretation, the Examiner understands the actual content or web page that is displayed as preview information to be the expanded display format of the instant invention. Furthermore, the Examiner understands if this is indeed the preview information, by this preview information containing hyperlinks (i.e. menu options) which in turn calls upon activation to its respective referenced page, the returned content referenced by the hyperlinks would be the actual content or web page delivered as a web page (i.e. second electronic document). Based on the provided disclosures, this returned content would include both the referenced content and the expanded display format content, as the actual content or web page disclosed represents both of these elements. As such, the Examiner contends the limitations as currently written have been satisfied by the provided recitations and rationale.

24. **Claims 13, 16, 47 and 50 are rejected under 35 U.S.C.**

103(a) as being unpatentable over Petropoulos et al. (US 2003/0146939 A1) (hereinafter Petropoulos) in view of Ogura et al. (US 2002/0165767 A1) (hereinafter Ogura).

25. As per claim 13 (and similarly the apparatus of claim 47), Petropoulos discloses the computer-implemented method of claim 12 (as rejected above).

Petropoulos does not explicitly disclose further comprising:
enabling the user to bookmark the electronic advertisement using the reference (The Examiner notes this claim language is still considered optional).

However, Ogura teaches a bookmark button that when pressed allows a user to easily link with the advertisement and store the bookmark in an advertisement log (bookmark) table ([0092], see also [0118-122]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include the capability to bookmark an electronic advertisement. The

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rationale for combining in this manner is that both Petropoulos and Ogura are directed to advertising via an online environment. Furthermore, this inclusion would enable Petropoulos to provide a user that ability to save desired content and easily access it again at a later time, thus increasing the likelihood of a user making a purchase or some other typical online conversion.

26. As per claim 16 (and similarly the apparatus of claim 50), Petropoulos discloses the computer-implemented method of claim 1 (as rejected above).

Petropoulos does not explicitly disclose

wherein the second electronic document comprises an electronic document that includes functionality to permit the user to purchase one or more items.

However, Ogura teaches an online shopping environment allowing a user to purchase a piece of merchandising from a browsing site ([0158]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include online shopping functionality. The rationale for combining in

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this manner is that both Petropoulos and Ogura are directed to advertising via an online environment. Furthermore, this inclusion would enable Petropoulos to provide a user the ability to purchase desired merchandise, thus increasing revenue for the online system and further increasing campaign success for both the direct online system as well as any third-party merchants connected with the online environment.

27. Claims 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. (US 2003/0146939 A1) (hereinafter Petropoulos) in view of Ogura et al. (US 2002/0165767 A1) (hereinafter Ogura) as applied to claims 13, 16, 47 and 50 above, and further in view of Morgenthaler et al. (U.S. 2002/0032677) (hereinafter Morgenthaler).

28. As per claim 17, Petropoulos in view of Ogura discloses the computer-implemented method of claim 16 (as rejected above).

Petropoulos does not explicitly disclose further comprising:

receiving feedback information related to a user's purchase of one or more items.

However, Morgenthaler teaches monitoring a user's Internet use habits and items purchased on the Internet via a cookie ([0055]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos and Ogura to include tracking user purchases. The rationale for combining in this manner is that Petropoulos, Ogura and Morgenthaler are all directed to advertising via an online environment. Furthermore, tracking user purchases would enable Petropoulos and Ogura to determine the effectiveness of an advertisement and adjust the campaign accordingly to achieve and maintain successful results.

29. **Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. (US 2003/0146939 A1) (hereinafter Petropoulos) in view of Morgenthaler et al. (U.S. 2002/0032677) (hereinafter Morgenthaler).**

30. As per claim 51, Petropoulos discloses the apparatus of claim 49 (as rejected above).

Petropoulos does not explicitly disclose further comprising

a feedback module that receives feedback information related to a user's purchase of one or more items.

However, Petropoulos does teach a user's use of preview information is monitored while the user reviews the results page. More specifically, it monitors which result is being previewed by order or rank, the length of each preview, whether there is a click-through, etc. The attributes of user behavior are forwarded across the network and later used to improve relevancy ([0072-79])

In addition, Morgenthaler teaches monitoring a user's Internet use habits and items purchased on the Internet via a cookie ([0055]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include tracking user purchases. The rationale for combining in this manner is that Petropoulos and Morgenthaler are directed to advertising via an online environment. Furthermore, tracking user purchases would enable Petropoulos to determine the effectiveness of an advertisement and adjust the campaign accordingly to achieve and maintain successful results.

31. **Claims 54-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petropoulos et al. (US 2003/0146939 A1) (hereinafter Petropoulos) in view of Undasan (US 2005/0235203 A1) (hereinafter Undasan).**

32. As per claim 54 (and similarly the apparatus of claim 55), Petropoulos discloses the method of claim 1 (as rejected above).

Petropoulos does not explicitly disclose

wherein the electronic advertisement is included in a first frame in the second electronic document, and wherein the content from the referenced network location is included in the second electronic document in a second frame, separate from the first frame.

However, Petropoulos does teach the concept of framing regions in the preview icon, each region with its own defined area ([0060-61], Fig. 5).

In addition, Undasan teaches delivering a first document containing a hyperlink. Upon user mousing over the hyperlink, a first preview window of the document referred to by the

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hyperlink is displayed to the user. This preview window can also contain hyperlink which upon a user mousing over the hyperlink, a second preview document window referred to by the hyperlink is displayed to the user, whilst retaining the display of the first preview window document ([0008-16], [0036-38], Fig. 2, "206/208/210/212").

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Petropoulos to include framing the electronic advertisement and reference content in different frames. The rationale for combining in this manner is that both Petropoulos and Undasan are directed towards allowing a user to preview information in a preview window upon a mousing over a hyperlink. Furthermore, there are a limited number of predictable techniques one would implement in displaying advertisements and content, among which includes the common implementation of framing the advertisements separately from the content. Based on Petropoulos already disclosing the ability of framing separate and distinct regions, it would have been obvious for Petropoulos to implement the teachings of Undasan as such. Furthermore, the teachings of Undasan provide the functionality of displaying referenced content (i.e. via a hyperlink URL) whilst retaining the electronic document containing the hyperlink, thereby

providing Petropoulos the ability to deliver content while maintaining the advertising content in direct view of the user. Common sense dictates that the longer a user is subjected to particular content, the more impact and effect the content could have on the user. (The Examiner understands these teachings to satisfy the claimed limitation of including the advertisement in a first frame (i.e. first preview window document "206") and including the content in a second frame (i.e. second preview window document "212").)

Response to Arguments.

33. Applicant's arguments filed 05/03/2010 directed towards claims **as amended** have been fully considered but they are not persuasive. Newly added claim 54-55 have been fully addressed via an obviousness rejection.

34. In the remarks, the Applicant argues the following with respect to claim 1, **as amended**:

(a) Petropoulos does not teach or suggest "delivering...at a first time, the first electronic document including the electronic advertisement including the compact display format, the expanded display format, and the code, the electronic advertisement initially displayed in the first electronic document in a compact display format so as to enable a client

device to transition from the compact format to the expanded format without further interaction with the server.”;

(b) The search results, the alleged electronic advertisement does not include the three of the “compact display format, an expanded display format, and the code...;

(c) The relied upon portions of Petropoulos do not disclose or suggest delivering at a first time the search result (the alleged electronic advertisement) including the search result 53 (the alleged compact display format), the preview window 55 (the alleged expanded format) and code; and

(d) The relied upon portions of Petropoulos do not teach or suggest “identifying a second electronic document including content from the referenced network location associated with the menu option selected; [and] including the electronic advertisement with the second electronic document” as recited in claim 1. In fact, the concept of “identifying” a document and “including the electronic advertisement with the second document” are completely missing...the relied upon portions discloses only the actual content or web page being delivered, and not the “electronic advertisement with the second electronic document...so they are not the same as the Examiner indicates.

In response to these arguments, the Examiner respectfully disagrees.

35. As stated in a previous response to arguments, the Examiner understands the claimed limitations to have the following equivalencies:

compact format: search result, Fig. 1, "53"

expansion icon: preview icon, Fig. 1, "63/64"

expanded format: preview window, Fig. 1, "55"

As per arguments (a)-(c), based on this understanding, it is clear that the electronic advertisement is indeed in two formats. Furthermore, it is clear that upon interaction with the disclosed preview icon, code is enacted to then display the compact format in an expanded format. Furthermore, the Examiner notes the advertisement in Petropoulos (e.g. a particular website advertised via a search result URL responsive to a search query) is delivered to the client machine in a compact format (i.e. search result) as well as code that has been delivered to transition the compact format into the expanded format (i.e. preview window). As stated in previous responses, it is clear that the electronic advertisement is indeed in two formats. Based on a broadest reasonable interpretation, the Examiner understands both the search result and the preview window (i.e. the two formats) are part of a single advertisement, as they essentially

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advertise the same content, albeit in two different formats. Furthermore, it is clear that upon interaction with the disclosed preview icon, code is enacted to then display the compact format in an expanded format. As to the Applicant's implicit assertion "the two different elements are delivered sequentially at two different times", the Examiner respectfully disagrees. The Examiner notes that the two display formats may be "displayed" at different times, but there is no indication that the "delivery" of these two elements is at two different times. In fact, to the contrary, the Examiner notes that in [0042], Petropoulos discloses that the preview information is displayed in a window "which already exists on results page 59 such as preview window 55". (*emphasis added*) The Examiner understands that if the window already exists on the page, then it is reasonable to understand the coding for both formats are delivered at the same time. Furthermore, as per [0048-51], Petropoulos discloses floating preview windows that appear to display the "designated preview information". The Examiner understands this recitation to mean that information has already been designated to be previewed once the initial format has been interacted with. Therefore, it would be reasonable to understand both elements have been delivered with the initial webpage.

36. As per argument (d), the Examiner firstly notes that adding the term "with" changes virtually nothing within the scope of the claim. Although it may be intended by the Applicant that the electronic advertisement is separate and distinct from the referenced content and thereby delivered "with" the content, this intent is neither present nor required by the current claim language. This intent is only explicitly addressed in new claim 54 and 55, which has been appropriately addressed via an obviousness rejection. As such, the Examiner's original broadest reasonable interpretation that the content of the preview window in and of itself is the expanded advertisement, then calling that referenced content in a second electronic document (i.e. referenced web page) would include the electronic advertisement "with" the second electronic document. As such, this limitation of claim 1 has been satisfied.

37. The Examiner hereby maintains the rejection of amended claim 1. The Examiner also maintains the rejection of amended claims 35 and 52-53 for similar reasons. The Examiner maintains the rejection of dependent claims 2-17 and 36-51. Moreover, the newly added claims 54-55 have been fully addressed in the obviousness rejection above.

Conclusion

38. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM A. BRANDENBURG whose telephone number is (571)270-5488. The

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examiner can normally be reached on Monday-Thursday 6:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571)272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/W. A. B./
Examiner, Art Unit 3622

/John Van Bramer/
John Van Bramer
Primary Examiner, Art Unit 3622

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